UNITED STATES DISTRICT COURT

for the

Eastern District of New York

<table>
<tr><td>Trustees of the Local 813 Pension Trust Fund

_____
<i>Plaintiff(s)</i>

v.

Frank Miceli Jr. Contracting, Inc., d/b/a FMC Inc.;
Mar-Nic Equipment & Leasing Co., Inc. d/b/a FMC
Demolition Inc., Queen City Recycling, and Frank
Miceli Jr.
_____
<i>Defendant(s)</i></td><td>)
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)</td><td>Civil Action No. 1:13-cv-00198-MKB-JO</td></tr>
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AMENDED   **SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* Frank Miceli Jr. Contracting Inc.
　　　　　　　　　　　　　　　　　　d/b/a FMC Inc.
　　　　　　　　　　　　　　　　　　19 Cliff Street
　　　　　　　　　　　　　　　　　　New Rochelle, NY 10801

　　　　　A lawsuit has been filed against you.

　　　　　Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:　　Proskauer Rose
　　　　　　　　　　　　　　　　　　Eleven Times Square
　　　　　　　　　　　　　　　　　　New York, NY 10036

　　　　　If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

　　　　　　　　　　　　　　　　　　　　　　　　DOUGLAS C. PALMER
　　　　　　　　　　　　　　　　　　　　　　　　CLERK OF COURT

Date: _____　　　　　　　_____
　　　　　　　　　　　　　　　　　　　　　　　　Signature of Clerk or Deputy Clerk

Civil Action No. 1:13-cv-00198-MKB-JO

PROOF OF SERVICE
(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____

was received by me on *(date)* _____ .

❐ I personally served the summons on the individual at *(place)* _____

_____ on *(date)* _____ ; or

❐ I left the summons at the individual's residence or usual place of abode with *(name)* _____

_____ , a person of suitable age and discretion who resides there,

on *(date)* _____ , and mailed a copy to the individual's last known address; or

❐ I served the summons on *(name of individual)* _____ , who is

designated by law to accept service of process on behalf of *(name of organization)* _____

_____ on *(date)* _____ ; or

❐ I returned the summons unexecuted because _____ ; or

❐ Other *(specify):*

My fees are $ _____ for travel and $ _____ for services, for a total of $ ___0.00___ .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc: